

## REMARKS

Upon entry of this amendment, claims 1-8, 16, 17, 19-23, 34-37, 40-46, and 49-79 are pending in the instant application. Claims 9-15, 18, 24-33, 38, 39, 47 and 48 have been cancelled herein without prejudice or disclaimer. Claims 1, 7, 8, 16, 19, 20, 34, and 43 have been amended. Support for the claim amendments and new claims presented herein is found throughout the specification and in the claims as originally filed. For example, support for the amendments to claims 1, 16, 19, 20, 34, 43 is found at least in claim 18 as originally filed, at page 16, lines 21-31 and at page 3, lines 22-27. Support for the amendment to claims 7 and 8 is found at page 15, line 25. Support for the amendment to claim 19 is found at least at page 17, line 9-10. Support for the amendment to claim 20 is found at page 14, line 20. Support for new claims 51-79 is found at least claims 1-8, 16-23, 34-37, 43-46, 49 and 50 and at page 20 lines 1-11 as originally filed.

No new matter has been added by the amendments presented herein.

### **Sequence Listing**

Applicants submit herewith substitute computer readable form (CFR) of the "Sequence Listing"; a substitute paper copy of the "Sequence Listing"; a statement that the content of the paper and computer readable copies are the same and include no new matter, in compliance with 37 C.F.R. §§ 1.821-1.825. The specification has been amended to insert the sequence listing.

### **Claim Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 16-23 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. According to the Examiner, "it is unclear how one could inhibit inflammation in an inflamed tissue because the tissue is already inflamed". (Office Action, page 4).

Independent claim 16 and claims 17, and 19-23 which depend therefrom have been amended to require that inflammation is reduced rather than inhibited. Support for this amendment is found at page 17, lines 4-5. A reduction of inflammation can occur to a tissue that is already inflamed. As such, Applicants submit that the amended claims presented herein are clear and definite. Accordingly, withdrawal of this rejection is requested.

**Claim Rejections Under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1-8, 16-23, 34-37, 40-46, 49 and 50 under 35 U.S.C. § 102(b) as being anticipated by International Publication No. WO 98/50028 by Gregg et al. ("Gregg"). According to the Examiner, Gregg describes the elected species identified by BMS-201,238 in a pharmaceutical composition and a method of treating atherosclerosis, pancreatitis, hyperglycemia and obesity. Furthermore, the Examiner states that atherosclerosis and diabetes are recognized to have inflammatory components. Because the claims are drawn to inhibiting, the Examiner states that the broadest reasonable interpretation of the claims embraces prevention of disease and as such administration of the compound to any subject inherently effects the claimed results.

Independent claims 1, 16, 34, and 43 have been amended to require that the inflammation to be inhibited is skeletal, gastrointestinal, pulmonary or neurological inflammation. Furthermore, the claims have been amended to require administration to a subject that has been identified as being in need thereof. The Gregg reference does not disclose methods of treating the specific inflammatory disorders now required by the amended claims. This rejection should be therefore withdrawn.

New claims 51-79 are drawn to reducing and or inhibiting inflammation by administering to a cell or tissue a composition consisting of a MTP inhibitor and a pharmaceutically acceptable carrier. In contrast, the methods disclosed in Gregg require the co-administration of BMS-201,238 and a fat soluble vitamin. Gregg does not disclose that administration of an MTP inhibitor alone as an active ingredient would have anti-inflammatory affects. As such, Applicant's new claims 51-79 are novel and non-obvious in view of Gregg.

## CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



Ingrid A. Beattie, Reg. No.42,306  
Cynthia A. Kozakiewicz, Reg. No.42,764  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
**Customer No. 30623**

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